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**SUBSTITUTE HOUSE BILL 1377**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** House Housing, Community Development & Veterans (originally sponsored by Representatives Walen, Barkis, Jenkin, Harris, Springer, Macri, Wylie, Ryu, Reeves, Robinson, Griffey, Appleton, Bergquist, Jinkins, Tharinger, Slatter, Kloba, Doglio, Goodman, Leavitt, Ormsby, and Santos)

1 AN ACT Relating to affordable housing development on religious  
2 organization property; adding a new section to chapter 35.63 RCW;  
3 adding a new section to chapter 35A.63 RCW; adding a new section to  
4 chapter 36.70A RCW; and adding a new section to chapter 44.28 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.63  
7 RCW to read as follows:

8 (1) A city planning under this chapter must allow an increased  
9 density bonus consistent with local needs for any affordable housing  
10 development of any single-family or multifamily residence located on  
11 real property owned or controlled by a religious organization  
12 provided that:

13 (a) The affordable housing development is set aside for or  
14 occupied exclusively by low-income households;

15 (b) The affordable housing development is part of a lease or  
16 other binding obligation that requires the development to be used  
17 exclusively for affordable housing purposes for at least forty years,  
18 even if the religious organization no longer owns the property; and

19 (c) The affordable housing development does not discriminate  
20 against any person who qualifies as a member of a low-income  
21 household based on race, creed, color, national origin, sex, veteran

1 or military status, sexual orientation, or mental or physical  
2 disability; or otherwise act in violation of the federal fair housing  
3 amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).

4 (2) A city may develop policies to implement this section if it  
5 receives a request from a religious organization for an increased  
6 density bonus for an affordable housing development.

7 (3) The religious organization developing the affordable housing  
8 development must pay all fees, mitigation costs, and other charges  
9 required through the development of the affordable housing  
10 development.

11 (4) The religious organization developing the affordable housing  
12 development should work with the local transit agency to ensure  
13 appropriate transit services are provided to the affordable housing  
14 development.

15 (5) This section applies to any religious organization that has  
16 already developed an affordable housing development for the purposes  
17 of preserving or modifying the affordable housing development.

18 (6) For purposes of this section:

19 (a) "Affordable housing development" means a proposed or existing  
20 structure in which one hundred percent of all single-family or  
21 multifamily residential dwelling units within the development are set  
22 aside for or are occupied by low-income households at a sales price  
23 or rent amount that may not exceed thirty percent of the income limit  
24 for the low-income housing unit;

25 (b) "Low-income household" means a single person, family, or  
26 unrelated persons living together whose adjusted income is less than  
27 eighty percent of the median family income, adjusted for household  
28 size, for the county where the affordable housing development is  
29 located; and

30 (c) "Religious organization" has the same meaning as in RCW  
31 35A.21.360.

32 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.63  
33 RCW to read as follows:

34 (1) A city planning under this chapter must allow an increased  
35 density bonus consistent with local needs for any affordable housing  
36 development of any single-family or multifamily residence located on  
37 real property owned or controlled by a religious organization  
38 provided that:

1 (a) The affordable housing development is set aside for or  
2 occupied exclusively by low-income households;

3 (b) The affordable housing development is part of a lease or  
4 other binding obligation that requires the development to be used  
5 exclusively for affordable housing purposes for at least forty years,  
6 even if the religious organization no longer owns the property; and

7 (c) The affordable housing development does not discriminate  
8 against any person who qualifies as a member of a low-income  
9 household based on race, creed, color, national origin, sex, veteran  
10 or military status, sexual orientation, or mental or physical  
11 disability; or otherwise act in violation of the federal fair housing  
12 amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).

13 (2) A city may develop policies to implement this section if it  
14 receives a request from a religious organization for an increased  
15 density bonus for an affordable housing development.

16 (3) The religious organization developing the affordable housing  
17 development must pay all fees, mitigation costs, and other charges  
18 required through the development of the affordable housing  
19 development.

20 (4) The religious organization developing the affordable housing  
21 development should work with the local transit agency to ensure  
22 appropriate transit services are provided to the affordable housing  
23 development.

24 (5) This section applies to any religious organization that has  
25 already developed an affordable housing development for the purposes  
26 of preserving or modifying the affordable housing development.

27 (6) For purposes of this section:

28 (a) "Affordable housing development" means a proposed or existing  
29 structure in which one hundred percent of all single-family or  
30 multifamily residential dwelling units within the development are set  
31 aside for or are occupied by low-income households at a sales price  
32 or rent amount that may not exceed thirty percent of the income limit  
33 for the low-income housing unit;

34 (b) "Low-income household" means a single person, family, or  
35 unrelated persons living together whose adjusted income is less than  
36 eighty percent of the median family income, adjusted for household  
37 size, for the county where the affordable housing development is  
38 located; and

39 (c) "Religious organization" has the same meaning as in RCW  
40 35A.21.360.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 36.70A  
2    RCW to read as follows:

3        (1) Any city or county fully planning under this chapter must  
4    allow an increased density bonus consistent with local needs for any  
5    affordable housing development of any single-family or multifamily  
6    residence located on real property owned or controlled by a religious  
7    organization provided that:

8        (a) The affordable housing development is set aside for or  
9    occupied exclusively by low-income households;

10       (b) The affordable housing development is part of a lease or  
11   other binding obligation that requires the development to be used  
12   exclusively for affordable housing purposes for at least forty years,  
13   even if the religious organization no longer owns the property; and

14       (c) The affordable housing development does not discriminate  
15   against any person who qualifies as a member of a low-income  
16   household based on race, creed, color, national origin, sex, veteran  
17   or military status, sexual orientation, or mental or physical  
18   disability; or otherwise act in violation of the federal fair housing  
19   amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).

20       (2) A city or county may develop policies to implement this  
21   section if it receives a request from a religious organization for an  
22   increased density bonus for an affordable housing development.

23       (3) An affordable housing development created by a religious  
24   institution within a city or county fully planning under RCW  
25   36.70A.040 must be located within an urban growth area as defined in  
26   RCW 36.70A.110.

27       (4) The religious organization developing the affordable housing  
28   development must pay all fees, mitigation costs, and other charges  
29   required through the development of the affordable housing  
30   development.

31       (5) The religious organization developing the affordable housing  
32   development should work with the local transit agency to ensure  
33   appropriate transit services are provided to the affordable housing  
34   development.

35       (6) This section applies to any religious organization that has  
36   already developed an affordable housing development for the purposes  
37   of preserving or modifying the affordable housing development.

38       (7) For purposes of this section:

39       (a) "Affordable housing development" means a proposed or existing  
40   structure in which one hundred percent of all single-family or

1 multifamily residential dwelling units within the development are set  
2 aside for or are occupied by low-income households at a sales price  
3 or rent amount that may not exceed thirty percent of the income limit  
4 for the low-income housing unit;

5 (b) "Low-income household" means a single person, family, or  
6 unrelated persons living together whose adjusted income is less than  
7 eighty percent of the median family income, adjusted for household  
8 size, for the county where the affordable housing development is  
9 located; and

10 (c) "Religious organization" has the same meaning as in RCW  
11 35A.21.360.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 44.28  
13 RCW to read as follows:

14 The joint committee must review the efficacy of the increased  
15 density bonus incentive for affordable housing development located on  
16 property owned by a religious organization pursuant to this act and  
17 report its findings to the appropriate committees of the legislature  
18 by December 1, 2030. The review must include a recommendation on  
19 whether this incentive should be continued without change or should  
20 be amended or repealed.

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